

## **REMARKS**

Applicants respectfully traverse and request reconsideration.

Claims 14 and 26 stand objected to due to informalities. Applicants have corrected the informalities. As such Applicants respectfully request withdrawal of the objection.

Claims 11, 14 and 19 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is alleged that claim 11 does not distinctly claim “when the pilot strength measurement message includes the long term filtered measurement data”. Applicants respectfully submit that these claims were considered to be definite in prior rejections. In addition, Applicants respectfully note that the claim itself specifically states that the pilot strength measurement message includes a long term measurement data “if the strongest pilot signal represented by long term filtered measurement data is less than the first threshold and greater than a second threshold”. As such, the claim is clear as to when the pilot strength measurement includes the long term filtered measurement.

Also as to claim 11 it is alleged that the claim does not point out “how one candidate pilot can be greater than three”. Applicants respectfully note that the “at least one of” refers to an alternative and the claim has been amended to include inherent language using the words either/or instead of at least one of/and. As such, Applicants respectfully request that the rejection be withdrawn.

As to claim 14, Applicants have also included inherent language to the claim and as such, this claim is also believed to overcome the rejection. Claim 19 has been similarly rejected and has been amended to include inherent language and as such, this claim has also believed to overcome the rejection.

Claims 11, 13-14, 17, 19 and 22-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,009,953 (Tiedemann, Jr.) in view of Pan et al.

The Tiedemann reference is directed to a method and system for changing forward traffic channel power allocation during a soft handoff which does not employ pilot signal long term filtered measurement generation nor a pilot strength signal measurement generator as claimed. Applicants respectfully submit that Tiedemann does not teach what is alleged. It is admitted that Tiedemann fails to teach “finger receivers generating long-term filtered measurement data; a scan-search receiver generating short-term measure data; and a pilot strength measurement message including either long term filtered measurement data or short-term measurement data based upon if received pilot signals are greater than or less than a threshold.” (Office action page 5).

Applicants respectfully submit that the Tiedemann reference not only fails to teach this subject matter, but also fails to teach among other things, generating a pilot strength measurement message that includes measurement data if a strongest pilot signal represented by the measurement data is less than a first threshold and greater than a threshold and if at least one of the number of candidate pilots is greater than three and the number of active pilots is greater than one. The office actions cites column 6 lines 35-50 as allegedly teaching the subject matter. However, in reviewing the cited portion, this portion does not mention any pilot strength measurement message based on a number of candidate pilots that is greater than three or number of active pilots that is greater than one. In fact it is silent as to the subject matter. As such, the claims are allowable. If the rejection is maintained applicants respectfully request a showing by column and line number of what is cited language is taught as Applicants is unable to find such a teaching.

The Pan reference is directed to an apparatus and associated method for facilitating dynamic filtering of a received signal wherein a single filter element is controlled to exhibit a fast response time when a signal strength is strong and the same filter element is controlled to provide a slow response time when the signal is a weak signal. An adaptive parameter adjustment unit is used to change the parameter of the single filter, namely the filter characteristics (see paragraph 40). As such, Pan also teaches the use of a single receiver that is controlled to receive a signal that has a strong signal strength with a fast response but if the signal is a weak signal, a slower response is used. The response time of the single filter of Pan is controlled to be “directly proportional to the estimate quality [signal quality]” (paragraph 44). However, claim 11 requires not only the use of different receivers, each of which generate a long term filtered measurement data or a short term filtered measurement data, but that the claimed pilot strength measurement message includes a long term filtered measurement data from the respective plurality of finger receivers if the strongest pilot signal represented by long term filtered measurement is less than the first threshold and greater than a second threshold and if at least one of a number of candidate pilots is greater than 3 and the number of active pilots is greater than 1. Not only does Pan fail to teach or suggest using both long term or short term filtered measurement data using different receivers, but neither reference teaches utilizing a number of active pilots or a number of candidate pilots as part of the determination as to what is included in a pilot strength measurement message. Since Pan does not teach what is alleged and since neither reference teaches or suggests using a number of pilot signals, the claims are in condition for allowance for at least these reasons as well.

The dependent claims add additional novel and non-obvious subject matter.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is

invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Dated: February 26, 2008

By: /Christopher J. Reckamp/  
Christopher J. Reckamp  
Reg. No. 34,414

Vedder Price P.C.  
222 North LaSalle Street  
Chicago, Illinois 60601  
PHONE: (312) 609-7599  
FAX: (312) 609-5005